



2009 SEP 22 PM 4:27

PATENT APPLICATION  
Docket No: 16277.4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In re application of:

) SEP 28 2009

Suzanne Borchards

) OFFICE OF PETITIONS

Serial No: 09/977,756

) Art Unit

) 1744

Filed: October 15, 2001

)

Patent No.: 6,871,375

)

Issue Date: March 29, 2005

)

Confirmation No.: 3970

)

For: SECTIONAL BATH SPONGE AND METHOD OF  
MANUFACTURE

09/25/2009 DALLEN ) 00000034 6871375

01 FC:1559 )

515.00 OP

Examiner: Mark Spisich

)

PETITION TO EXCUSE ERROR IN SMALL ENTITY STATUS  
AND PAYMENT OF DEFICIENCY OWED PURSUANT TO 37 CFR § 1.28

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

The above-identified patent was filed in the United States Patent and Trademark Office on October 15, 2001 with a claim to small entity status. Applicant respectfully submits that the small entity status was established in good faith and that the fees as a small entity were paid in good faith. It has been determined, however, that the status of small entity was lost prior to the payment of the issue fee on February 16, 2005. As such, payment of the issue fee and the 3.5 year maintenance fee under small entity status were in error. Accordingly, applicant hereby petitions that the error in claiming small entity status with regard to payment of the issue fee and 3.5 year maintenance fee be excused pursuant to 37 CFR § 1.28(c).

09/25/2009 DALLEN 00000033 09977756

01 FC:1461

810.00 OP

Set forth below is an itemization of the deficiency payment.

Type of Fee Paid	Date Paid	Current Fee for Non-Small Entity	Small Entity Fee Actually Paid	Difference
Issue fee	02/16/2005	1510	700	810
3.5 year maintenance fee	09/29/2008	980	465	515
Deficiency Owed				\$1325

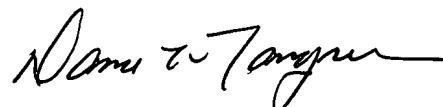
In view of the foregoing, the total deficiency payment owed has been calculated to be \$1,325. Enclosed herewith please find Form PTO-2038 submitting the required payment of \$1,325. Applicant has endeavored to determine the deficiency payment with due diligence. If a discrepancy is detected in the calculation of the deficiency payment, the Patent Office is hereby authorized to deduct any further required payment or to apply any overpayment to deposit account no. 23-3178. A duplicate copy of this paper is enclosed.

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefor and charge any additional fees that may be required to Deposit Account No. 23-3178.

Finally, pursuant to 37 CFR § 1.28(d), applicant requests that this submission be treated as a notification of loss of entitlement to small entity status.

Dated this 16<sup>th</sup> day of September 2009.

Respectfully submitted,



Attorney for Applicant  
Registration No. 37,246  
Customer No. 022913  
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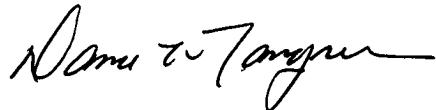
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